



#11 1731

HQ 202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Karsten Bräuer, et al.
Serial No. : 08/897,713
Filed : July 21, 1997
For : PROCESS AND APPARATUS FOR THE PRODUCTION OF A
CYLINDRICAL COMPONENT OF GLASS
Group Art Unit : 1731
Examiner : S. Vincent

RECEIVED
APR 4 2003
TC 1700

March 20, 2003

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

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APR 08 2003

OFFICE OF PETITIONS

**REQUEST FOR WITHDRAWAL OF ABANDONMENT;
REQUEST FOR RECONSIDERATION OF DENIAL OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED PATENT APPLICATION;
SUPPLEMENTAL EXPLANATION OF UNAVOIDABLE DELAY IN FILING PETITION
TO REVIVE APPLICATION**

Dear Sir:

On March 11, 2003, a Decision on Petition was issued to Applicant, who had petitioned the Commissioner for revival of the above-identified patent application under 37 CFR 1.137(a) on the basis of unavoidable abandonment on December 31, 2002.

Applicants hereby (1) request a holding that the application was not, in fact, properly held to be abandoned; (2) request reconsideration of applicants' Petition on the facts previously presented; and (3) provide a supplemental facts, inter alia explaining the delay in filing the above identified Petition.

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

The holding of abandonment was a result of a requirement made by the Examiner under 37 C.F.R. 1.121, for which applicant was provided a one month period to correct an alleged defect in its prior paper. In particular, the Examiner required applicant to "provide underlining below the matter added to the claims as is required by 37 CFR 1.121."

In fact, 37 C.F.R. § 1.121(c)(1)(ii) requires that "The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system." Thus, the underlining required by the Examiner was not required by the rules of practice, and an equivalent marking system could permissibly be employed.

Therefore, the requirement of the Examiner was beyond the scope of Rule 37 C.F.R. § 1.121, since it is respectfully submitted that the symbol "--" preceding and succeeding added subject matter, as provided in the Supplemental Amendment dated April 19, 1999, represents an equivalent to underlining, and in fact, has been used by the Patent Office itself as a system for indicating textual additions. There was no ambiguity as to what text was added, and the requirement is therefore deemed arbitrary, capricious, and outside the rules of practice.

Finally, even were one to deny that the claims as presented were unsuitable for consideration, the applicable sanction therefore is recited in 37 C.F.R. § 1.121(c)(3), that is, "Any claim not accompanied by a marked up version will constitute an assertion that it has not been changed relative to the immediate prior version." The net result of such an "assertion" is maintenance of applicants' pre-amendment position, which, if not resulting in an allowable application, should result in issuance of a Final Office Action, not a Notice of Abandonment. See, 35 U.S.C. § 132.

Also note that the Notice of Abandonment dated October 1, 1999, recites does not

acknowledge the above-identified paper dated April 19, 1999, and instead references only the proposed replay dated 04 December, 1998. This potentially raises the question as to whether the Examiner's file was complete and accurate at the time of the holding of abandonment, and may implicate other irregularities as well, and thus undermines a presumption of administrative regularity in this case.

It would be unfair to hold applicants to a substantially higher standard of proof regarding the regularity of its internal systems, than that to which the Patent Office is held. Equity requires fairness, and indeed the Patent Office should lead by example. Therefore, the various errors and omissions apparent on the part of the Patent Office in the present record, do not allow a conclusion that the Patent Office was without fault in the matter of this abandonment, and that justice requires that the holding of abandonment be withdrawn.

Thus, applicants believe that the holding of abandonment was in error, in that all requirements for submission of a reply were, in fact, fulfilled. Applicants reasonably believed that a proper reply was submitted, and in fact it is maintained that this reply was in fact proper, and even if it was not, the sanction of abandonment is not sanctioned by law or formal rule.

Consideration thereof is respectfully solicited.

UNAVOIDABLE ABANDONMENT

Probability of Correlated Errors Non-Receipt Of Correspondence

Applicants maintain that the documents notifying applicants of an outstanding requirement were never received. While it would be reasonable to make a presumption that correspondence transmitted through the US Postal Service in the ordinary course would be received by the designated recipient, this is only a presumption. The fact that two consecutive pieces of correspondence were not received, does not necessarily give rise to a stronger presumption of receipt, since there is a high probability of correlated errors, that is, there is no reason to believe that, assuming applicants attorney's allegations to be true, that the same impediment to delivery to the first parcel did not also impede the second parcel. In particular, the correspondence was sent by the same examiner, based on the same electronic and paper file, through the same mailroom, presumably to the same address, using the same respective post offices, and likely the same postman. The only significant difference is the date of sending, raising the significant possibility that the same impediment could result to both correspondences.

Attorneys Log of Correspondence

In fact, applicants do maintain a "log" of patent office correspondence, although not in the form proposed by the Petitions Examiner. Indeed, our office has a strict policy that all correspondence received, which has an apparent responsive deadline, is docketed: on a completely manual (index card) system, on an electronic docket system, and on its face. In the event that any discrepancy is noted by the attorney, after distribution of the file, all docket entries are immediately corrected, and an investigation and remedial action instituted seeking to avoid a repetition. This is a rare occurrence, but might occur, for example, where a rule has changed, or an error is made by the Patent Office in failing to indicate finality of an action on the cover page.

The electronic docket system is, indeed, a sequential entry system. That is, all correspondence to be docketed is entered sequentially from the queue. It is thereafter electronically sorted, but the basic data remains within the system.

Applicants provide herewith copies of electronic docket sheets. Note, the sheet dated 4/14/99 includes "HQ 202 RESP TO COMM 4/18/99", in contrast to the other sheets dated between 6/09/99 and 8/25/99 contain no reference to HQ 202. The sheets provided are the only sheets now known to exist for this date range. Presumably, the relevant docket entry should have appeared on the 6/23/99, 7/08/99 and/or 7/14/99 docket sheets.

The computerized docket system operates on a rolling basis, so that an intentional act is required to remove any item. There is thus no automatic expiration of docket entries. Such removal is authorized only when a response is transmitted, for example using a copy of a return receipt post card, or otherwise on consent of a responsible attorney. Because the system operates on a rolling basis, there is no record of the docket entry after it has been removed, unless a printed docket sheet is located for the time-period immediately preceding the due date or a periodic backup of the electronic file exists. A search has been conducted, and no such backup or paper copy is known to exist. The firm has no formal policy on maintaining such sheets, especially from so long ago.

Thus, while applicants' undersigned attorneys do not maintain a simple list of correspondence received, a list of received mail is in essence created. Maintenance of such as list would not provide any particular workflow benefit, failsafe backup, or efficiency, and would therefore only be of value in such very rare instances as are now presented. It is believed that there is no requirement for a consolidated and persistent mail log, and any such requirement might be considered an abuse of discretion and fail to meet OMB guidelines.

When documents or other correspondence from the Patent Office are received, office policies mandate that these be initially entered onto a manual docket card specific for the case in question, and also entered in a computerized system. On rare occasions, a responsible attorney might review correspondence immediately upon receipt, which occurs without removing the document from the docketing queue, or to permit photocopying, to ensure that the document is properly docketed and a record maintained. This immediate review is designed to avoid docketing delay where immediate action is considered advantageous, the issue is urgent, or where an immediate response could resolve all issues in the case.

Applicants have previously provided the manual card entry "copy of the docket record where the non-received Office communication would have been entered had it been received and docketed". This therefore represents evidence of the manual (hand written) docket entry, which includes all correspondence, sent and received, which clearly shows the absence of the two relevant pieces of correspondence, as well as the existence of all other documents of record.

Applicants respectfully submit that the manual card index and/or the computer docket printouts indeed represent the docket report requested by the Petitions Examining Attorney. That is, it is "a mail log recorded by the person who receives all incoming mail", which would "show all incoming mail received during the relative time period in order to establish that the correspondence at issue was not received".

The attorney responsible for this case, Mr. Kenneth E. Macklin, was in poor health for a number of years, and is now deceased. While this may explain certain failings, it does not explain the non-receipt of the correspondence in this case, as Mr. Macklin's illness made it less likely that there would be any interference by him with office standard operating procedure, since he was typically absent from the office between the hours between mail receipt and its normal

docketing.

The Decision on Petition notes a correction made on Applicant's manual docket system. This correction is fully explained by the fact that April 18, 1999, was a Sunday, and that the response was, therefore actually due on Monday, April 19, 1999.

When Applicants describe the electronic docketing system, the word "generally" therein refers to the fact that after a response is submitted or it is determined that no response is due, the entry is removed from the docketing system. Therefore, an entry that is not removed would remain indefinitely. A positive action on the part of office staff is necessary to remove the docket entry, which would occur only upon notification of the responsible attorney and investigation into the status of the response. To reiterate, all Patent Office correspondence requiring a response is entered on two separate docket systems, one of which is completely permanent and manual, and not dependent on data processing infrastructure, and the other employing computer technology.

It is finally noted that applicants' attorneys' internal systems are quite reliable, and this is the first case in recent memory where a Petition to Revive was filed resulting from an alleged failure to receive correspondence. Likewise, I personally attest to the fact that there are few if any deficiencies in docketing receipt of correspondence.

This attestation is believed to fulfill the requirements of MPEP 711.03(c).

Reasonableness of Attorney's Reliance on Docket System

Based on our experience, it is clear that our docketing system works, and is not inherently defective, and would be considered reliable by a reasonable practitioner for our "most important business". The incidence of Petitions to revive applications in our office is quite low, and indeed there is no other incidence in recent memory of correspondence which was apparently not

received by our office. Thus, applicants' attorneys' internal docket system is believed to meet the standard set forth in the MPEP, that is, sufficient for reliance by a reasonable and prudent person in relation to his most important business. It is also believed that applicants' attorneys' docket system is at least as reliable, if not more so, than that of the USPTO, and US Postal Service, and our understanding of respective error rates bears this out. A comparative analysis between our internal docket system to that of the PTO is relevant to the reasonableness consideration, since it is a general theorem of quality management that a reasonable system seeks to improve the weakest link in a chain, and that further improvements in other components of a system having a low probability of failure will yield little or no overall benefit. Thus, this comparison clearly is relevant to the reasonableness or reliance on the systems employed by our offices.

Therefore, since Applicants were not under actual notice that there was an outstanding requirement, or that the application had become abandoned, or that our internal docketing system is deficient, it is respectfully submitted that the entire delay in filing the required reply was unavoidable.

It is respectfully submitted that the docketing system maintained by the undersigned is reasonable to maintain its client's interests, and provides sufficient evidence to overcome any presumption of receipt of the correspondence, and therefore that the abandonment was unavoidable.

UNAVOIDABLE DELAY IN SEEKING REVIVAL

The Decision on Petition implies that Applicants should have been under a constructive notice that a three year delay in receiving a response to an Office Action is somehow extraordinary. This is not the experience of the undersigned. The undersigned, and the firm in general, has had a number of experiences where inexplicable delays in response from the Office extend 3-5 years, and many files are lost or unavailable for extended periods. In fact, in one case, there was a delay of about two years after submitting a reconstructed file in an allowed application to the Office before any response was apparent, despite repeated telephone calls and inquiries.

Applicants have also experienced long delays as a matter of course in dealing with the Patent Office in requesting refunds from the finance office, certified copies of file wrappers, etc.

Therefore, it is respectfully submitted that the reasonable practitioner before the US Patent Office would not have any constructive notice of an adverse status of an application merely as a result of a three year hiatus in action.

It is further respectfully submitted that the mere existence of a three year delay in filing a petition to revive, especially where no telephone call, or other indication of an abandoned status, was received from the Examiner or the Office, does not give rise to a presumption of avoidability or intent. In particular, applicants' undersigned attorneys were prosecuting a number of applications from the same assignee in related fields, raising the distinct possibility in our minds that the file might have been requested by a different Examiner for purposes of cross review. Applicants' experience in such cases is that the file may be unavailable to the Examiner for an extended period in such cases.

After Mr. Macklin became unavailable, we undertook to fulfill his responsibilities.

Ultimately, we became aware that the present application had not progressed, and we investigated. Applicants and their attorneys were not under actual knowledge of the abandoned status of this application until an investigation was conducted, including ordering a copy of the file history, in order to completely understand its status, shortly before the Petition to Revive was filed.

Upon request, Applicants will search their files to demonstrate that Applicants reasonably believed that extended delays occur quite frequently in practice before the U.S. Patent and Trademark Office, and further, that the Patent Office is well aware of the occurrence and likelihood of such delays in numerous cases. Further, we believe that the evidence will show that extended delays are not a statistical aberration, and that a reasonable practitioner would anticipate that a number of files would suffer from such delays. Likewise, we would institute a Freedom of Information Act (FOIA) request for information from the Patent Office's own records relating to the incidence of protracted delays, which we believe will show a high incidence. We hope that none of these actions will be necessary.

In part, the delay in filing the presentation petition is explained by the illness, and subsequent death, of Kenneth E. Macklin, who was not available for our inquiry in filing this Petition. An effort was also made to establish that he did not retain any pertinent files, which would have been relevant to our inquiry. In addition, a search of our office was also conducted seeking to determine whether, in fact, these papers were misfiled. As longstanding practitioners before the Office, this search required review of a large volume of information.

While Mr. Macklin is not available to speak for the multiple failures to submit a "responsive Amendment" which conformed to the request made by the Examiner, it is noted that at the time of the abandonment, the revised technical rules for making an amendment were new,

and on information and belief, a number of practitioners had difficulty complying with them. In fact, there rules were recently changed again, presumably because, as previously implemented, they failed to achieve the desired objective and were difficult to comply with. The alleged failure of applicant to comply with the rules was purely technical, and in no way represented a failure to respond on the merits to the Office Action. Likewise, it points to the objective reasonableness of applicants' attorney's belief that a proper response had (finally) been submitted.

The Examining Attorney poses the question as to "why a reasonably prudent person, acting in relation to his most important business would have continually filed amendments which did not conform to the requirements, and then wait 3 ½ years before filing this petition". In fact, as best known by our office, a proper response was submitted, and the examination process would proceed within the U.S. Patent and Trademark Office. The delay after receipt of actual knowledge of the abandonment is quite short, from about September 2002 until filing of the Petition, which was preceded by a detailed investigation in order to support the required affidavit. As the Decision on Petition points out, mere allegations of regularity in office policies and unavailability of the error will not suffice, and substantial evidence must be presented. In the present instance, the gathering of such evidence took time.

The Petitions Examiner seeks to impose the burden upon reasonable practitioners to investigate the status of all cases for which no response is received within some finite period of time, which is presumably less than 3 ½ years. In the instances where we have called or written to investigate the status of a file, for which we were waiting a response from the Patent Office, these responses are typically uninforming, i.e. that the file is lost, that it is awaiting examination, or that the status is unknown. This process is costly, and yields little useful information in the vast majority of cases. Thus, an applicant caring for its most valuable business would not

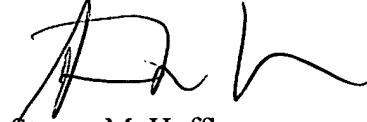
reasonably invest the massive efforts required in order to determine that, in all likelihood, the delay is expected and normal. Therefore, the attempt to impose a burden upon the Applicant to explain the normal state of Patent Office delays is unrealistic. Had Applicants or their attorneys known that the application had an outstanding requirement; had the Examiner telephoned Applicant to determine whether the application was being intentionally abandoned; had either of these correspondences been received, then Applicant would have acted expeditiously to deal with the problem. To the extent that the Patent Office conducts business by mail, it should not impose an undue burden on Applicant to prove that the mail system is reliable.

In fact, the entire basis for the "status inquiry" procedure is because a substantial number of cases are, in fact, delayed in processing by the PTO, without apparent justification or excuse. This clearly points to the fact that a reasonable and prudent person must be patient with the processes of the PTO, and not impose additional burden on themselves or the Patent Office by instituting such requests.

The Petitions Examiner makes a presumption that the delay might have been avoidable or intentional. Neither counsel nor client had any intent to abandon this application, at any time. Applicants' submission should clearly undermine any such presumption. U.S. Patent and Trademark Office regulations provide a remedy for abandoned patent applications, and it is respectfully submitted that this is an appropriate instance for grant of the relief requested.

For all of the above reasons, it is respectfully requested that the holding of abandonment should be withdrawn, and the case restored to the active docket and allowed.

Respectfully submitted,



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D.C. 20231 on 3/22/03

By 

Date 3/22/03

	Date	Time	Message	(Repeat every...)
	7/14/99	9:00A	PHN 15,604 N/A & 3RD FEE 8/11/99	1 day(s)
	7/14/99	9:00A	MGH 201 BASE FEE & DRAW 9/13/99	1 day(s)
Bill client	7/14/99	9:00A	XCI 214 PAY 3RD MAIN FEE 10/12/99 ✓	1 day(s)
	7/14/99	9:00A	XCI 212 PAY 3RD MAIN FEE 10/12/99 ✓	1 day(s)
	7/14/99	9:00A	KAM 201 CDA PAY 2ND MF 9/12/99	1 day(s)
	7/14/99	9:00A	PORTO 201 IDS 9/8/99	1 day(s)
OK	7/14/99	9:00A	GOR 209 R116 & N/A 9/8/99	1 day(s)
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	7/14/99	9:00A	PHA 23,512 R111 8/7/99	1 day(s)
	7/14/99	9:00A	PHN 15,898 KFM BRIEF & FEE 8/7/99	1 day(s)
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	7/14/99	9:00A	PHA 23,318 N/A & 2ND FEE 7/16/99	1 day(s)
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	7/14/99	9:00A	GOR 208 R116 & N/A 8/3/99	1 day(s)
	7/14/99	9:00A	3459-7 BASE FEE PD 12/1/98-PAT RECD?	1 day(s)
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	7/14/99	9:01A	AGFA 233 PRIORITY 8/11/99	1 day(s)
	7/14/99	9:01A	HH 247 R111 8/24/99	1 day(s)
	7/14/99	9:01A	GOTHAM 803 RESP TO OA 7/25/99	1 day(s)
do	7/14/99	9:01A	MGH 201 BRIEF & FEE 8/1/99	1 day(s)
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	7/14/99	9:01A	ELO 202.2 R111 7/19/99 & 1ST FEE	1 day(s)
	7/14/99	9:01A	SZABO 201 BASE FEE & DRAW 8/6/99	1 day(s)
	7/14/99	9:01A	LIH 001-5,767,893 POSS INTER 7/16/99	1 day(s)
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	7/14/99	9:01A	B&R 201 IDS 7/26/99	1 day(s)
	7/14/99	9:01A	PHA 23,511 R111 8/26/99	1 day(s)
	7/14/99	9:01A	HH 836 BRIEF & FEE 8/7/99	1 day(s)
	7/14/99	9:01A	HQ 205 IDS 7/25/99 & FEE	1 day(s)
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	7/14/99	9:01A	XCI 215 PAY 2ND MAIN FEE 9/10/99 ✓	1 day(s)
	7/14/99	9:01A	ELO 205.1 BASE FEE & DRAW 9/10/99	1 day(s)
	7/15/99	9:00A	ELO 203 CDA RESP TO OA 8/1/99 & 2ND EXT	1 day(s)

*Ken has
get file*

Rem - Reminders to client
Ac - Advise client

	Date	Time	Message	(Repeat every...)
	4/13/99	9:00A	LEHMANN 802 RESP TO OA 7/13/99	1 day(s)
<i>Rem</i>	4/13/99	9:00A	HH 843 & 844 RESP TO OA 6/9/99 <i>Rem 4-23</i>	1 day(s)
<i>Ac</i>	4/13/99	9:00A	CIT 824.1 FGN FILING 6/9/99	1 day(s)
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	4/13/99	9:00A	LANIER 201 R111 4/22/99	1 day(s)
	4/13/99	9:00A	OBERST 001 RESP TO NOTICE 5/20/99	1 day(s)
	4/13/99	9:00A	NUCON 202 BASE FEE & DRAW 4/19/99	1 day(s)
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<i>Yes transferred?</i>	4/13/99	9:00A	CIT 822 & 823 RESP TO OA 4/16/99	1 day(s)
	4/13/99	9:00A	HH 236 R111 5/10/99 <i>Rem 4-29</i>	1 day(s)
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<i>Rem</i>	4/13/99	9:00A	KUSUMOTO 201 R111 6/11/99 <i>4-23-99 Rem</i>	1 day(s)
	4/13/99	9:01A	BREEN 201 N/A & 1ST FEE 4/21/99	1 day(s)
	4/13/99	9:01A	TDT 204 PCT CHAP II 4/30/99 NS 3/30/00	1 day(s)
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<i>?</i>	4/13/99	9:01A	LIH 001-5,734,893 POSS INTER 3/31/99	1 day(s)
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<i>Rem</i>	4/13/99	9:01A	AGFA 224 BASE FEE 5/3/99 <i>Rem 4-14-99</i>	1 day(s)
	4/13/99	9:01A	6116-6 BASE FEE & DRAW 5/3/99	1 day(s)
<i>Rem</i>	4/13/99	9:01A	AGFA 226 BASE FEE & DRAW 5/3/99 <i>Rem 4-14-99</i>	1 day(s)
	4/13/99	9:01A	PHA 23,318 R116 & N/A 5/16/99	1 day(s)
	4/13/99	9:01A	PHA 23 479 D/POA 4/12/99 FF 12/29/99	1 day(s)
<i>Rem</i>	4/13/99	9:01A	PH 23,589 FILE UTILITY APPLN 4/26/99	1 day(s)
	4/14/99	9:00A	LAUX 805 RESP TO OA 6/14/99 <i>4-23-99 Rem</i>	1 day(s)
	4/15/99	9:00A	NTD 201 FGN FILING 7/15/99	1 day(s)

don't need - we are the foreign filings

Date	Time	Message	(Repeat every...)
4/14/99	9:00A	LAUX 805 RESP TO OA 6/14/99	1 day(s)
4/14/99	9:00A	LEHMANN 802 RESP TO OA 7/13/99	1 day(s)
4/14/99	9:00A	HH 843 & 844 RESP TO OA 6/9/99	1 day(s)
4/14/99	9:00A	CIT 824.1 FGN FILING 6/9/99	1 day(s)
4/14/99	9:00A	JMK 801 ANSWER 5/8/99	1 day(s)
4/14/99	9:00A	XCI 205 JAPAN PAY 6TH ANNUITY 6/8/99	1 day(s)
4/14/99	9:00A	PEI 853 DOU 6/8/99 REN 6/8/03	1 day(s)
4/14/99	9:00A	PEI 854 DOU 5/25/99 REN 5/25/03	1 day(s)
4/14/99	9:00A	TAX ETC 801 FGN FILING 5/23/99	1 day(s)
4/14/99	9:00A	SARAH 801 & 802 FGN FILING 5/23/99	1 day(s)
4/14/99	9:00A	GRIMM 209 FILE IDS 5/23/99	1 day(s)
4/14/99	9:00A	LANIER 201 R111 4/22/99 <i>August 4-14-99</i>	1 day(s)
4/14/99	9:00A	OBERST 001 RESP TO NOTICE 5/20/99	1 day(s)
4/14/99	9:00A	NUCON 202 BASE FEE & DRAW 4/19/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:00A	NUCON 203 PCT RESP TO WRITOPIN 4/18/99	1 day(s)
4/14/99	9:00A	CIT 822 & 823 RESP TO OA 4/16/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:00A	HH 236 R111 5/10/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:00A	XCI 228.1 230-31 IDS 5/10/99 FF 2/10/00	1 day(s)
4/14/99	9:00A	SLADKUS 803 FGN FILING 5/9/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:00A	CIT 826 RESP TO OA 5/6/99 <i>to 11/2</i>	1 day(s)
4/14/99	9:00A	CED 201 CANADA PAY ANNUITY 5/5/99	1 day(s)
4/14/99	9:00A	MYAT 203 FGN FILING 5/4/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:00A	PEI 852 DOU 5/4/99 REN 5/4/03	1 day(s)
4/14/99	9:00A	HH 837 RESP TO OA 5/3/99	1 day(s)
4/14/99	9:00A	XCI 209 PAY 3RD MAIN FEE 4/27/99	1 day(s)
4/14/99	9:00A	XCI 225 R111 4/26/99 <i>Smith has doc all paid</i>	1 day(s)
4/14/99	9:00A	HMP 201 R111 4/13/99	1 day(s)
4/14/99	9:00A	AGFA 217 N/A & 1ST FEE 5/5/99	1 day(s)
4/14/99	9:00A	BAUER 204 PAY 3RD MAIN FEE 5/10/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:00A	KUSUMOTO 201 R111 6/11/99	1 day(s)
4/14/99	9:01A	BREEN 201 N/A & 1ST FEE 4/21/99	1 day(s)
4/14/99	9:01A	TDT 204 PCT CHAP II 4/30/99 NS 3/30/00 <i>Leah's 11/2</i>	1 day(s) 4-14
4/14/99	9:01A	KPI 201.2 N/A & 3RD FEE 4/28/99	1 day(s)
4/14/99	9:01A	IB2 201 CHAP II 4/23/99 NS 3/23/00 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:01A	HQ 202 RESP TO COMM 4/18/99	1 day(s)
4/14/99	9:01A	UNORTH RACE 201 FGN FILING 5/12/99	1 day(s)
4/14/99	9:01A	GRIMM 203 R111 5/12/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:01A	VQ 801 SOU OR 1ST EXT 4/20/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:01A	HQ 206 IDS 4/14/99	1 day(s)
4/14/99	9:01A	LIH 001-5,734,893 POSS INTER 3/31/99	1 day(s)
4/14/99	9:01A	3459-10 IDS 5/1/99 INT W/5798785	1 day(s)
4/14/99	9:01A	HQ 205 IDS 4/25/99 & FEE	1 day(s)
4/14/99	9:01A	ISI 813 SOU OR 3RD EXT 4/21/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:01A	AGFA 224 BASE FEE 5/3/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:01A	6116-6 BASE FEE & DRAW 5/3/99	1 day(s)
4/14/99	9:01A	AGFA 226 BASE FEE & DRAW 5/3/99 <i>Leah's 11/2</i>	1 day(s)
4/14/99	9:01A	PHA 23,318 R116 & N/A 5/16/99	1 day(s)
4/14/99	9:01A	PH 23,589 FILE UTILITY APPLN 4/26/99	1 day(s)
4/15/99	9:00A	NTD 201 FGN FILING 7/15/99	1 day(s)
4/15/99	9:00A	SZABO 801 SOU OR 4TH EXT 7/15/99	1 day(s)

not for plan

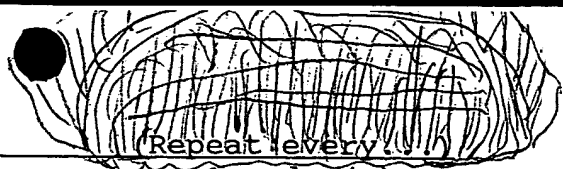
Date	Time	Message	(Repeat every...)
6/09/99	9:00A	XCI 211 PAY 3RD MAIN FEE 8/9/99	1 day(s)
6/09/99	9:00A	HH 838 ANSWER 7/9/99	1 day(s)
6/09/99	9:00A	AIRPAX 202 IDS 8/7/99	1 day(s)
6/09/99	9:00A	GUISTE 201 R116 & N/A 8/7/99	1 day(s)
6/09/99	9:00A	HBC 213 IDS 7/7/99 - 102-1-15	1 day(s)
6/09/99	9:00A	KFM 801 RESP TO OA 8/4/99	1 day(s)
6/09/99	9:00A	LIH 12 IDS 8/4/99	1 day(s)
6/09/99	9:00A	LEHMANN 801 RESP TO OA 8/4/99	1 day(s)
6/09/99	9:00A	RICE 207 IDS 8/3/99 FGN FILING 5/3/00	1 day(s)
6/09/99	9:00A	GOR 208 R116 & N/A 8/3/99	1 day(s)
6/09/99	9:00A	PORDY 202 PAY 1ST MF 7/2/99 — <i>Ken ? N/A / Bel</i>	1 day(s)
6/09/99	9:00A	3459-7 BASE FEE PD 12/1/98-PAT RECD?	1 day(s)
6/09/99	9:00A	HQ 206 IDS 6/14/99 & FEE	1 day(s)
6/09/99	9:00A	PHA 23,318 N/A & 1ST FEE 6/16/99	1 day(s)
6/09/99	9:00A	HQ 205 IDS 6/25/99 & FEE	1 day(s)
6/09/99	9:00A	LANIER 201 R111 & 2ND FEE 6/22/99 <i>from 6-5-99</i>	1 day(s)
6/09/99	9:00A	HOCH 201 R111 7/27/99	1 day(s)
6/09/99	9:00A	TDT 204 R116 & N/A 7/22/99	1 day(s)
6/09/99	9:00A	PHN 15,604 N/A & 1ST FEE 6/11/99	1 day(s)
6/09/99	9:00A	PHN 15,819 N/A&2NDEXT (1ST FEE PD) 6/10/99	1 day(s)
6/09/99	9:00A	AGFA 219 N/A 7/2/99 & 1ST FEE	1 day(s)
6/09/99	9:00A	3459-10 IDS 7/1/99 & FEE INT W/5798785	1 day(s)
6/09/99	9:00A	FFF 201 R111 7/7/99 <i>SMH has</i>	1 day(s)
6/09/99	9:00A	JMK 801 ANSWER 7/7/99-SUS TO 9/24/99	1 day(s)
6/09/99	9:00A	ELO 202.1 R111 7/5/99 <i>Ken Has</i>	1 day(s)
6/09/99	9:00A	SUTELAN 803 REBUTTAL 7/1/99	1 day(s)
6/09/99	9:00A	ELO 203 CDA RESP TO OA 7/1/99 & 1ST EXT <i>KEN</i>	1 day(s)
6/09/99	9:00A	HMP 201 PCT NS 6/30/99	1 day(s)
6/09/99	9:00A	CIT 825 RESP TO OA 6/29/99 <i>from 6-9-99</i>	1 day(s)
6/09/99	9:00A	AT 803.1 RESP TO OA 6/21/99 <i>from 6-11-99</i>	1 day(s)
6/09/99	9:00A	XCI 206 JAP PAY 8TH ANN 8/5/99 <i>client</i>	1 day(s)
6/09/99	9:01A	SZABO 201 BASE FEE & DRAW 8/6/99	1 day(s)
6/09/99	9:01A	KFM 201 R111 8/6/99	1 day(s)
6/09/99	9:01A	HH 843 RESP TO OA 6/9/99	1 day(s)
6/09/99	9:01A	ELO 202.2 R111 6/19/99 <i>SMH?</i>	1 day(s)
6/09/99	9:01A	LIH 001-5,767,893 POSS INTER 6/16/99	1 day(s)
6/09/99	9:01A	NAGEL 201 PCT CHAP II 7/9/99 NS 6/9/00	1 day(s)
6/09/99	9:01A	VERHEES 201 R111 7/9/99 <i>from 6-4-99</i>	1 day(s)
6/09/99	9:01A	XCI 229 N/A 7/1/99 & 1ST EXT <i>SMH has</i>	1 day(s)
6/09/99	9:01A	NUCON 802 RESP TO OA 6/17/99 <i>from 6-9-99</i>	1 day(s)
6/09/99	9:01A	ART 202 R116 & N/A 6/25/99	1 day(s)
6/09/99	9:01A	HOCH 202 UTIL & FGN FILING 6/4/99	1 day(s)
6/09/99	9:01A	FCF 249.1 NEW BRIEF 6/5/99	1 day(s)
6/09/99	9:01A	PHA 23 378 FGN FILING 7/16/99	1 day(s)
6/09/99	9:01A	COR 804 ANSWER 6/15/99 <i>from 6-1-99</i>	1 day(s)
6/09/99	9:01A	GOTHAM 803 RESP TO OA 7/25/99 <i>from 6-7-99</i>	1 day(s)
6/09/99	9:01A	HBC 214 FILE PRIORITY 6/22/99	1 day(s)
6/09/99	9:01A	HH 251 R111 7/15/99 <i>from 6-9-99</i>	1 day(s)
6/09/99	9:01A	LEHMANN 802 RESP TO OA 7/13/99	1 day(s)
6/10/99	9:00A	XCI 215 PAY 2ND MAIN FEE 9/10/99	1 day(s)

Bill client

Bill Client

Date	Time	Message	(Repeat every...)
6/10/99	9:00A	XCI 215 PAY 2ND MAIN FEE 9/10/99	1 day(s)
6/10/99	9:00A	INSTASEARCH 201 R111 8/10/99	1 day(s)
6/10/99	9:00A	MYAT 203 BASE FEE & DRAW 8/10/99	1 day(s)
6/10/99	9:00A	XCI 211 PAY 3RD MAIN FEE 8/9/99	1 day(s)
6/10/99	9:00A	HH 838 ANSWER 7/9/99	1 day(s)
6/10/99	9:00A	AIRPAX 202 IDS 8/7/99	1 day(s)
6/10/99	9:00A	GUISTE 201 R116 & N/A 8/7/99	1 day(s)
6/10/99	9:00A	KFM 801 RESP TO OA 8/4/99	1 day(s)
6/10/99	9:00A	LIH 12 IDS 8/4/99	1 day(s)
6/10/99	9:00A	LEHMANN 801 RESP TO OA 8/4/99	1 day(s)
6/10/99	9:00A	RICE 207 IDS 8/3/99 FGN FILING 5/3/00	1 day(s)
6/10/99	9:00A	GOR 208 R116 & N/A 8/3/99	1 day(s)
6/10/99	9:00A	PORDY 202 PAY 1ST MF 7/2/99	1 day(s)
6/10/99	9:00A	3459-7 BASE FEE PD 12/1/98-PAT RECD?	1 day(s)
6/10/99	9:00A	HQ 206 IDS 6/14/99 & FEE	1 day(s)
6/10/99	9:00A	PHA 23,318 N/A & 1ST FEE 6/16/99	1 day(s)
6/10/99	9:00A	HQ 205 IDS 6/25/99 & FEE	1 day(s)
6/10/99	9:00A	LANIER 201 R111 & 2ND FEE 6/22/99	1 day(s)
6/10/99	9:00A	HOCH 201 R111 7/27/99	1 day(s)
6/10/99	9:00A	TDT 204 R116 & N/A 7/22/99	1 day(s)
6/10/99	9:00A	PHN 15,604 N/A & 1ST FEE 6/11/99	1 day(s)
6/10/99	9:00A	PHN 15,819 N/A&2NDEXT (1ST FEEPD) 6/10/99	1 day(s)
6/10/99	9:00A	AGFA 219 N/A 7/2/99 & 1ST FEE	1 day(s)
6/10/99	9:00A	3459-10 IDS 7/1/99 & FEE INT W/5798785	1 day(s)
6/10/99	9:00A	FFF 201 R111 7/7/99 <i>Smith Has</i>	1 day(s)
6/10/99	9:00A	JMK 801 ANSWER 7/7/99-SUS TO 9/24/99	1 day(s)
6/10/99	9:00A	ELO 202.1 R111 7/5/99	1 day(s)
6/10/99	9:00A	SUTELAN 803 REBUTTAL 7/1/99	1 day(s)
6/10/99	9:00A	ELO 203 CDA RESP TO OA 7/1/99 & 1ST EXT	1 day(s)
6/10/99	9:00A	HMP 201 PCT NS 6/30/99	1 day(s)
6/10/99	9:01A	CIT 825 RESP TO OA 6/29/99	1 day(s)
6/10/99	9:01A	AT 803.1 RESP TO OA 6/21/99	1 day(s)
6/10/99	9:01A	XCI 206 JAP PAY 8TH ANN 8/5/99	1 day(s)
6/10/99	9:01A	SZABO 201 BASE FEE & DRAW 8/6/99	1 day(s)
6/10/99	9:01A	KFM 201 R111 8/6/99	1 day(s)
6/10/99	9:01A	ELO 202.2 R111 6/19/99	1 day(s)
6/10/99	9:01A	LIH 001-5,767,893 POSS INTER 6/16/99	1 day(s)
6/10/99	9:01A	NAGEL 201 PCT CHAP II 7/9/99 NS 6/9/00	1 day(s)
6/10/99	9:01A	VERHEES 201 R111 7/9/99	1 day(s)
6/10/99	9:01A	XCI 229 N/A 7/1/99 & 1ST EXT <i>Smith Has</i>	1 day(s)
6/10/99	9:01A	NUCON 802 RESP TO OA 6/17/99	1 day(s)
6/10/99	9:01A	ART 202 R116 & N/A 6/25/99	1 day(s)
6/10/99	9:01A	PHA 23 378 FGN FILING 7/16/99	1 day(s)
6/10/99	9:01A	GOTHAM 803 RESP TO OA 7/25/99	1 day(s)
6/10/99	9:01A	HBC 214 FILE PRIORITY 6/22/99	1 day(s)
6/10/99	9:01A	HH 251 R111 7/15/99 - <i>Smith Has</i>	1 day(s)
6/10/99	9:01A	LEHMANN 802 RESP TO OA 7/13/99	1 day(s)
6/11/99	9:00A	AGFA 222 R111 8/11/99	1 day(s)
6/12/99	9:00A	KAM 201 CDA PAY 2ND MF 9/12/99	1 day(s)
6/12/99	9:00A	HUDSON 202, 3 & 4 UTILITY & FF 8/12/99	1 day(s)

Bot on back



Date	Time	Message	(Repeat every...)
6/23/99	9:00A	SCA 801 RESP TO OA 9/23/99	1 day(s)
6/23/99	9:00A	BUCK 201 IDS 7/23/99 FGN FILING 4/23/00	1 day(s)
6/23/99	9:00A	CIT 827 & 828 FGN FILING 7/22/99	1 day(s)
6/23/99	9:00A	PARKS 803&804 FGN FILING 7/19/99 <i>Dne</i>	1 day(s)
6/23/99	9:00A	PHA 23,318 N/A & 2ND FEE 7/16/99	1 day(s)
6/23/99	9:00A	SZABO 801 SOU OR 4TH EXT 7/15/99 <i>Remb 14-99</i>	1 day(s)
6/23/99	9:00A	3459-11 IDS 7/2/99 & FEE FF 3/2/00	1 day(s)
6/23/99	9:00A	HUDSON 202, 3 & 4 UTILITY & FF 8/12/99	1 day(s)
6/23/99	9:00A	AGFA 222 R111 8/11/99	1 day(s)
6/23/99	9:00A	INSTASEARCH 201 R111 8/10/99	1 day(s)
6/23/99	9:00A	MYAT 203 BASE FEE & DRAW 8/10/99	1 day(s)
6/23/99	9:00A	GUISTE 201 R116 & N/A 8/7/99	1 day(s)
6/23/99	9:00A	LIH 12 IDS 8/4/99	1 day(s)
6/23/99	9:00A	LEHMANN 801 RESP TO OA 8/4/99	1 day(s)
6/23/99	9:00A	RICE 207 IDS 8/3/99 FGN FILING 5/3/00	1 day(s)
6/23/99	9:00A	GOR 208 R116 & N/A 8/3/99 <i>to den 6-10-99</i>	1 day(s)
6/23/99	9:00A	PORDY 202 PAY 1ST MF 7/2/99 <i>Ken?</i>	1 day(s)
6/23/99	9:00A	3459-7 BASE FEE PD 12/1/98-PAT RECD?	1 day(s)
6/23/99	9:00A	HQ 206 IDS 7/14/99 & FEE	1 day(s)
6/23/99	9:00A	HQ 205' IDS 7/25/99 & FEE <i>Ken?</i>	1 day(s)
6/23/99	9:00A	HOCH 201 R111 7/27/99	1 day(s)
6/23/99	9:00A	TDT 204 R116 & N/A 7/22/99	1 day(s)
6/23/99	9:00A	PHN 15,604 N/A & 2ND FEE 7/11/99	1 day(s)
6/23/99	9:00A	AGFA 219 N/A 7/2/99 & 1ST FEE	1 day(s)
6/23/99	9:00A	3459-10 IDS 7/1/99 & FEE INT W/5798785	1 day(s)
6/23/99	9:00A	FFF 201 R111 7/7/99	1 day(s)
6/23/99	9:00A	AGFA 233 PRIORITY 8/11/99 TO CLNT 7/11	1 day(s)
6/23/99	9:01A	GRIMM 211 IDS 7/23/99 <i>to be before 6-29-99</i>	1 day(s)
6/23/99	9:01A	FCF 215 2ND MAIN FEE 9/17/99 <i>from 209,210,215,2184</i>	1 day(s)
6/23/99	9:01A	JMK 801 ANSWER 7/7/99-SUS TO 9/24/99	1 day(s)
6/23/99	9:01A	ELO 202.1 R111 7/5/99 <i>Ken?</i>	1 day(s)
6/23/99	9:01A	SUTELAN 803 REBUTTAL 7/1/99	1 day(s)
6/23/99	9:01A	ELO 203 CDA RESP TO OA 7/1/99 & 1ST EXT <i>Ken</i>	1 day(s)
6/23/99	9:01A	HMP 201 PCT NS 6/30/99	1 day(s)
6/23/99	9:01A	CIT 825 RESP TO OA 6/29/99 <i>Remb 9-99</i>	1 day(s)
6/23/99	9:01A	SZABO 201 BASE FEE & DRAW 8/6/99	1 day(s)
6/23/99	9:01A	ELO 202.2 R111 6/19/99 <i>Ken?</i>	1 day(s)
6/23/99	9:01A	LIH 001-5,767,893 POSS INTER 7/16/99	1 day(s)
6/23/99	9:01A	VERHEES 201 R111 7/9/99 <i>Remb 6-9-99</i>	1 day(s)
6/23/99	9:01A	XCI 229 N/A 7/1/99 & 1ST EXT	1 day(s)
6/23/99	9:01A	ART 202 R116 & N/A 6/25/99	1 day(s)
6/23/99	9:01A	PHA 23 378 FGN FILING 7/16/99	1 day(s)
6/23/99	9:01A	HBC 214 FILE PRIORITY 6/22/99	1 day(s)
6/23/99	9:01A	HH 251 R111 7/15/99 <i>Ken has</i>	1 day(s)
6/23/99	9:01A	LEHMANN 802 RESP TO OA 7/13/99 <i>Remb 6-21-99</i>	1 day(s)
6/23/99	9:01A	BREEN 201 R111 7/14/99 <i>Ken?</i>	1 day(s)
6/23/99	9:01A	SZABO 202 RESP TO RESTRICTION 7/8/99	1 day(s)
6/24/99	9:00A	JMK 801 CHK TTAB SUSPENDED TIL 9/24/99	1 day(s)
6/24/99	9:00A	HH 247 R111 8/24/99	1 day(s)
6/25/99	9:00A	GOTHAM 803 RESP TO OA 7/25/99 <i>Remb 6-9-99</i>	1 day(s)

Thank you, TC

904 file

Important!

	Date	Time	Message	(Repeat every...)
	7/08/99	9:00A	PORTO 201 IDS 9/8/99 <i>called on 7-12-99</i>	1 day(s)
<i>Rem</i>	7/08/99	9:00A	GOR 209 R116 & N/A 9/8/99 <i>7-12-99</i>	1 day(s)
	7/08/99	9:00A	3459-11 IDS 8/2/99 & FEE FF 3/2/00	1 day(s)
	7/08/99	9:00A	PHA 23,512 R111 8/7/99	1 day(s)
	7/08/99	9:00A	PHN 15,898 KFM BRIEF & FEE 8/7/99	1 day(s)
	7/08/99	9:00A	TDT BASE FEE & DRAW? 9/7/99	1 day(s)
<i>do</i>	7/08/99	9:00A	AIRPAX 202 IDS 8/7/99	1 day(s)
	7/08/99	9:00A	XCI 207 PAY 3RD MAIN FEE 8/16/99 ✓	1 day(s)
	7/08/99	9:00A	GRIMM 213 FILE PRIORITY 7/28/99 <i>Grimes</i>	1 day(s)
	7/08/99	9:00A	PHA 23,391 RESP TO INVITATION 7/16/99	1 day(s)
<i>Letter?</i>	7/08/99	9:00A	GRIMM 214 FILE NS APPLN 7/30/99 <i>from nos</i>	1 day(s)
	7/08/99	9:00A	CIT 827 & 828 FGN FILING 7/22/99 ✓	1 day(s)
	7/08/99	9:00A	PHA 23,318 N/A & 2ND FEE 7/16/99	1 day(s)
	7/08/99	9:00A	<u>SZABO 801</u> SOU OR 4TH EXT 7/15/99 <i>Called 7-14-99</i>	1 day(s)
	7/08/99	9:00A	3459-10 IDS 8/1/99 & FEE INT W/5798785 <i>7-12-99</i>	1 day(s)
	7/08/99	9:00A	HUDSON 202, 3 & 4 UTILITY & FF 8/12/99	1 day(s)
	7/08/99	9:00A	AGFA 222 R111 8/11/99	1 day(s)
	7/08/99	9:00A	INSTASEARCH 201 R111 8/10/99	1 day(s)
	7/08/99	9:00A	<u>MYAT 203 BASE FEE & DRAW 8/10/99</u>	1 day(s)
	7/08/99	9:00A	GUISTE 201 R116 & N/A 8/7/99	1 day(s)
	7/08/99	9:00A	LIH 12 IDS 8/4/99	1 day(s)
	7/08/99	9:00A	RICE 207 IDS 8/3/99 FGN FILING 5/3/00	1 day(s)
	7/08/99	9:00A	GOR 208 R116 & N/A 8/3/99	1 day(s)
	7/08/99	9:00A	3459-7 BASE FEE PD 12/1/98-PAT RECD?	1 day(s)
	7/08/99	9:00A	HQ 206 IDS 7/14/99 & FEE	1 day(s)
	7/08/99	9:00A	<u>TDT 204 R116 & N/A 7/22/99</u>	1 day(s)
	7/08/99	9:00A	PHN 15,604 N/A & 2ND FEE 7/11/99	1 day(s)
	7/08/99	9:00A	ELO 202.1 R111 8/5/99 & 1ST FEE	1 day(s)
	7/08/99	9:00A	AGFA 233 PRIORITY 8/11/99 <u>TO CLNT 7/11</u>	1 day(s)
	7/08/99	9:00A	HH 247 R111 8/24/99 <i>Rem 7-12-99</i>	1 day(s)
	7/08/99	9:01A	GOTHAM 803 RESP TO OA 7/25/99 <i>from 6-9-99</i>	1 day(s)
	7/08/99	9:01A	MGH 201 BRIEF & FEE 8/1/99 <i>Arrived 7-12-99</i>	1 day(s)
	7/08/99	9:01A	GRIMM 211 IDS 7/23/99 ✓	1 day(s)
	7/08/99	9:01A	ELO 202.2 R111 7/19/99 & 1ST FEE	1 day(s)
	7/08/99	9:01A	SZABO 201 BASE FEE & DRAW 8/6/99 <i>to Smith</i>	1 day(s)
	7/08/99	9:01A	LIH 001-5,767,893 POSS INTER 7/16/99	1 day(s)
	7/08/99	9:01A	VERHEES 201 R111 7/9/99	1 day(s)
	7/08/99	9:01A	PHA 23 378 FGN FILING 7/16/99	1 day(s)
	7/08/99	9:01A	BREEN 201 R111 7/14/99	1 day(s)
	7/08/99	9:01A	MYAT 204 IDS 8/26/99	1 day(s)
	7/08/99	9:01A	B&R 201 IDS 7/26/99	1 day(s)
	7/08/99	9:01A	PHA 23,511 R111 8/26/99	1 day(s)
	7/08/99	9:01A	HH 836 BRIEF & FEE 8/7/99	1 day(s)
	7/08/99	9:01A	HQ 205 IDS 7/25/99 & FEE	1 day(s)
	7/08/99	9:01A	GOR 215 FILE NS APPLN 7/31/99	1 day(s)
	7/08/99	9:01A	AGFA 234 PRIORITY 8/4/99 TO CLNT 7/10/99	1 day(s)
<i>do</i>	7/09/99	9:00A	GOR 214 IDS 9/9/99	1 day(s)
	7/09/99	9:00A	XCI 211 PAY 3RD MAIN FEE 8/9/99 ✓	1 day(s)
	7/09/99	9:00A	HH 838 ANSWER 8/9/99	1 day(s)
	7/10/99	9:00A	NUC 201-203 FILE NAT'L STAGE 10/10/99	1 day(s)

E/O 205.1 pay issue fu